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SECRET

Approved For Release 2002/01/02 : CIA-RDP77M00144R000800070068-6

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Comments on H.R. 12039 - A Bill to Amend the Privacy Act of 1974 (Originated/Introduced by Representative Abzug)

FROM:

Chief, Operations Staff

EXTENSION

1052

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

M DDO

6 APR 1976

6 APR 1976

B

1. Info copy attached

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Legislative Counsel

7D35

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Attn: [REDACTED]

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INTERNAL USE ONLY

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DD/0761979

OLC 76 1027

5 APR 1976

25X1A

MEMORANDUM FOR: Office of Legislative Counsel

ATTENTION: [REDACTED]

25X1A

FROM: [REDACTED]

Chief, Operations Staff

VIA: Deputy Director for Operations

SUBJECT: Comments on H.R. 12039 - A Bill to Amend the Privacy Act of 1974 (Originated/Introduced by Representative Abzug)

1. We have reviewed the attached bill as it pertains to those provisions which would require the Agency to inform each person who was: (a) the subject of any mail surveillance undertaken without a warrant or consent, and (b) the subject of a file or named in an index in connection with Operation CHAOS. Our comments are as follows:

2. With regard to those U.S. citizens and permanent resident aliens whose mail was intercepted under Project HTLINGUAL, we have determined that the volume of mail involved is 215,820 letters intercepted and 2,705,206 letters covered (unopened but envelopes photographed). We estimate that it would require approximately 10 minutes to process each letter, resulting in a total of about 487,000 manhours for such a project. Further administrative handling of the notifications, such as preparation of the form letters, could double this processing time. Clearly this would represent a serious administrative burden.

3. Experience under the Freedom of Information and Privacy Acts indicates that a large percentage of the people whose mail was intercepted no longer reside at the addresses shown on the letters. It is questionable, therefore, whether a notification program using the data available would be effective.

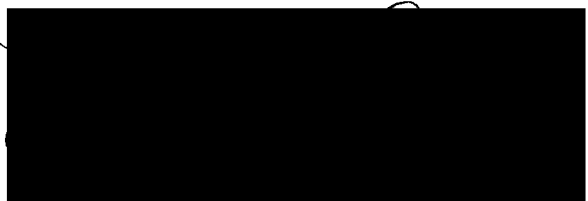
4. With regard to Operation CHAOS, we estimate that there are about 200,000 names indexed into the CHAOS records system, which is comprised of computer indices (HYDRA) and a microfilm index (REX). We can identify these names in 7-10 working days;

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but because of the varying amounts of information available concerning each name indexed, we would not be able to ascertain positively the nationality of each person named. This consideration, notwithstanding our best efforts to search the CHAOS records system, would literally make it impossible for the Agency to ensure 100 percent compliance with the notification provision. There would be additional problems in notifying the person indexed since it is unlikely that a current address would be included for each person in the information held as there have been no new entries since 1973. We have, however, identified the names of those U.S. citizens who are the subjects of CHAOS personality files. Insofar as these individuals are not already aware, through an FOIA or Privacy Act request, that their names were indexed in CHAOS indices, it would be possible for the Agency to provide them notification of these records as proposed in H.R. 12039. Again, the question of a current address for these persons would be a problem.

5. Though stating the obvious, if the Agency's exemptions are eliminated by H.R. 12039, we would be confronted with a serious sources/methods compromise problem because of the probability that the information concerning at least a proportion of the names on the above mentioned list is sourced to sensitive unilateral and/or jointly-run human assets or to technical penetration operations.

25X1A



cc: DDO

MAR 25 1976

ROUTING AND RECORD SHEET

REFERENCE

SUBJECT: (Optional)

DDO 76-1760

FROM: Legislative Counsel
7D35 HQ

EXTENSION

6136

NO.

DATE

24 March 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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25 MAR 1976

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C/O PS CU-6 25 MAR 76

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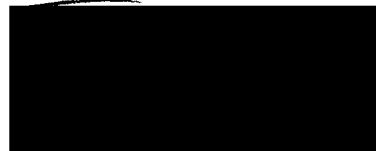
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Representative Bella Abzug has introduced H.R. 12039. This bill would require every Agency to inform each person who was: (a) the subject of any electronic or mail surveillance or surreptitious entry undertaken without a warrant or consent; (b) the subject of a file or named in an index in connection with CHAOS; and (c) the subject of a file or named in an index in connection with COINTELPRO. The bill would also eliminate CIA's exemption. This bill was referred to the Government Operations Committee, and therefore Representative Abzug is in a position to expedite its consideration. We would like to submit a report at the earliest possible date. We would like your office to address that portion of the bill which would require the Agency to inform people who are subject to CHAOS, etc., and to provide this office with arguments which can be used against this provision in our report. We would appreciate your comments by Monday, April 5.



Office of Legislative Counsel

1-3: Please take the requested action.
Thanks.

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94TH CONGRESS
2D SESSION

H. R. 12039

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1976

Ms. Amzug introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To amend the Privacy Act of 1974.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 552a of title 5, United States Code, is
4 amended—

5 (1) by striking out subsection (d) (2) (B) (i)
6 and inserting in lieu thereof the following:

7 “(i) correct, expunge, update, or supplement
8 any portion thereof which the individual believes is
9 not accurate, relevant, legally maintained, timely, or
10 complete; or”;

11 (2) by striking out “and” at the end of paragraph

12 (10) of subsection (e), by striking out the period at

1 the end of paragraph (11) of such subsection and insert-
2 ing in lieu thereof “; and”, and by inserting immediately
3 thereafter the following new paragraph:

4 “(12) inform each person who was—

5 “(A) the sender or receiver of any written
6 communication, or communication by wire, cable,
7 radio, or other means which was intercepted, re-
8 corded, or otherwise examined, by such agency, or
9 any officer or employee thereof, without a search
10 warrant, or without the consent of both the sender
11 and receiver; or the occupant, resident, or owner of
12 any premises or vehicle which was the subject of
13 any search, physical intrusion, or other trespass, by
14 such agency, or any officer or employee thereof,
15 without a search warrant, or without the consent of
16 such person;

17 “(B) the subject of a file or named in an index
18 created, maintained, or disseminated by such
19 agency, or any officer or employee thereof, in con-
20 nection with an operation or program known as
21 CIAOS, which operation or program is described
22 in the report, dated June 1975, to the President
23 by the Commission on CIA Activities Within the
24 United States;

1 created, maintained, or disseminated by such agency,
2 or any officer or employee thereof, in connection
3 with an operation or program known as "Counter-
4 intelligence Program" or "COINTELPRO", which
5 operation or program is described in the Statement
6 of Hon. William B. Saxbe, and the hearings of
7 Subcommittee of the House Judiciary Committee
8 on November 20, 1974;

9 "(D) the subject of a file or named in an index
10 created, maintained, or disseminated by such agency,
11 or any officer or employee thereof, in connection
12 with an operation or program of the Internal Rev-
13 enue Service known as "The Special Service Staff",
14 which operation or program is described in the
15 Joint Committee on Internal Revenue Taxation
16 Committee Print entitled "Investigation of the Spe-
17 cial Service Staff of the Internal Revenue Service"
18 dated June 5, 1975;

19 that he, she, or it is or was such a person, provide each
20 such person with a clear and concise statement of such
21 person's rights under this section and section 552 of this
22 title, and provide each such person with the option of
23 requiring that agency to destroy each copy of such file
24 or index in its possession."

1 (3) by striking out "(e) (6), (7), (9), (10),
2 and (11)" in subsection (j) and inserting in lieu
3 thereof "(e) (6), (7), (9), (10), (11), and (12)";
4 (4) by striking out paragraph (1) of such subsec-
5 tion; and
6 (5) by striking out paragraph (3) of subsection
7 (k) and redesignating the following paragraphs
8 accordingly.

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76-1979

MEMORANDUM FOR: Office of Legislative Counsel

ATTENTION:

FROM:

Chief, Operations Staff

VIA:

Deputy Director for Operations

SUBJECT:

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